

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

UNITED STATES OF AMERICA,

- vs -

LOUIS PIPOLO, et al.,

Defendants.

S1 07 Cr. 907 (SAS)

X

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, pursuant to Fed.R.Crim.P. Rules 12 and 14 and the United States Constitution, and upon the annexed Affidavit of Sheryl E. Reich, Esq., sworn to February 14, 2008; the exhibits annexed thereto; the accompanying Memorandum of Law; and all proceedings hitherto had herein, at a date and time set by the Court, defendant LOUIS PIPOLO shall move this Court, at the United States Courthouse, located at 500 Pearl Street, New York, N.Y. 10007, Courtroom 15C, The Honorable Shira A. Scheindlin, United States District Judge, presiding, for an Order (1) severing the trial of Louis Pipolo from the trial of his codefendants; (2) requiring the government to produce evidence favorable to the defense; (3)

dismissing the forfeiture allegation as to him; and (4) granting any further or other relief which to this Court appears just.

February 15, 2008

Yours, etc.

GERALD B. LEFCOURT, P.C.

by:   
Gerald B. Lefcourt (GBL 5030)

148 East 78th Street  
New York, N.Y. 10075  
(212) 737-0400  
(212) 988-6192  
Lefcourt@Lefcourtlaw.com  
*Attorneys for Louis Pipolo*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

v.

S1 07-CR-907 (SAS)

LOUIS PIPOLO, et al.,

Defendants.

-----X

**AFFIDAVIT OF SHERYL E. REICH, ESQ.,  
IN SUPPORT OF PRE-TRIAL MOTIONS OF LOUIS PIPOLO**

STATE OF NEW YORK }  
COUNTY OF NEW YORK } ss.:

SHERYL E. REICH, having first been duly sworn, deposes and says:

1. I am associated with Gerald B. Lefcourt, P.C., attorneys for defendant Louis Pipolo in this matter.
2. I make this Affidavit to provide exhibits that support Mr. Pipolo's pre-trial motions.
3. Annexed are true copies of the following documents, each of which is referred to in the accompanying Memorandum of Law.
4. Annexed as Exhibit "A" is the transcript of a hearing held October 10, 2007, in this matter.

5. Annexed as Exhibit "B" is the transcript of a hearing held October 23, 2007, in this matter.

6. Annexed as Exhibit "C" is the transcript of a hearing held December 12, 2007, in this matter.

7. Annexed as Exhibit "D" is a draft transcript of CD 50281 prepared by the government and provided to defense counsel pursuant to a certain stipulation.

8. Annexed as Exhibit "E" is a letter to Assistant United States Attorney Elie Honig dated January 24, 2008.

9. Annexed as Exhibit "F" is a statement of Robert Rosenberg affirmed under the penalties of perjury on October 27, 2003.

  
Sheryl E. Reich

Sworn to before me this  
14<sup>th</sup> day of February 2008

  
Notary Public

**FAITH A. FRIEDMAN**  
**NOTARY PUBLIC - NEW YORK STATE**  
**02FR0020496**  
**QUALIFIED IN NEW YORK COUNTY**  
**MY COMMISSION EXPIRES 4 / 29 / 2011**